

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DRUSILLA A JONES,

Plaintiff,

Case No. 24-cv-1380-bhl

v.

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION, et al,

Defendants.

SCREENING ORDER

On October 28, 2024, Plaintiff Drusilla A. Jones filed a complaint seeking review of a decision of the Commissioner for Social Security. (ECF No. 1.) That same day, she also filed a motion for leave to proceed without prepaying the filing fee or *in forma pauperis* (IFP) utilizing the Court's local form. (ECF No. 2.) The Court has authority to allow a litigant to proceed IFP if (1) the litigant is unable to pay the costs of commencing the action and (2) the action is not frivolous, does not fail to state a claim, and is not brought against an immune defendant. Cf. 28 U.S.C. § 1915(a)(1), (e)(2).

Jones does not provide sufficient information in her IFP motion for the Court to determine if she is able to pay the filing fee. She indicates that she is unemployed and does not list any monthly income, but then purports to operate a law firm, listing "The Law Firm of Drusilla Jones Principal LLC" as plaintiff in the case caption. (ECF No. 2 at 1–2.) She reports that she has "100%" equity in her home but does not provide an estimate of the home's value or any other information about her assets. (*Id.* at 3–4.) Jones lists total monthly expenses of \$8000.00 but without any details except that she spends \$3000.00 per month on household expenses. (*Id.* at 2–3.) On this record, the Court lacks sufficient information to find Jones indigent. She has provided conflicting and incomplete information concerning her assets and expenses. Accordingly, her motion to proceed without prepayment of the filing fee will be denied, but *without prejudice*. The Court will allow Jones the opportunity to refile her motion with accurate details concerning her

income, assets, and expenses. If Jones chooses to refile, she should be clear, accurate, and detailed in the information she provides. Jones must file her amended IFP motion or pay the full \$405.00 filing fee by **December 9, 2024**, or her complaint will be dismissed for failure to prosecute pursuant to Civil Local Rule 41(c).

The Court also notes that Jones appears to be representing that she is an attorney and that “The Law Firm of Drusilla Jones Principal LLC” is also a plaintiff in this matter. Her IFP motion also purports to be signed by “Private Counsel for Claimant, Jones, Drusilla A. ABA Badge #203005.” (*Id.* at 4.) This is problematic for several reasons. First, Jones does not appear to be a licensed attorney in Wisconsin and the Clerk’s records do not show that she is authorized to practice law in this Court. Second, a Social Security complaint should be brought by the individual to whom benefits have been denied. *See* 42 U.S.C. § 405(g). Even if this law firm exists, it is not a proper plaintiff in this matter. If Jones is represented by an attorney authorized to practice before this Court, that attorney is required to enter a notice of appearance on her behalf. If Jones is, in fact, a non-attorney representing herself *pro se*, the Court cautions her that continuing to misrepresent that she is a lawyer is improper and could result in sanctions. It could also expose her to criminal liability under Wisconsin law. *See* Wis. Stat. § 757.30.

Accordingly,

IT IS HEREBY ORDERED that Jones’s Motion for Leave to Proceed Without Prepayment of the Filing Fee, ECF No. 2, is **DENIED**, with leave to refile with more detailed information regarding her financial situation on or before **December 9, 2024**. If Jones does not file an amended IFP motion or pay the filing fee by that date, her complaint will be dismissed without prejudice pursuant to Civil Local Rule 41(c).

Dated at Milwaukee, Wisconsin on November 7, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge